

FOURTH AMENDED DECLARATION OF RESTRICTIONS

CENTRAL BUSINESS DISTRICT PROJECT NO.3

MICH. R-8

\$ 4.00 REMONUMENTATION

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ROBERT E. YOUNG, JR., REGISTER OF DEEDS
WAYNE COUNTY, MI

Prepared by P&DD
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City Of Detroit
Planning & Dev. Dept.

Return to D. Marturano

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FOURTH MODIFIED DEVELOPMENT PLAN
 CBD No. 3 (Mich. R-8)
 October 9, 1995

This Fourth Modification to the CBD No. 3 Development Plan hereby supersedes only certain portions, as defined below, of the Third Modified Development Plan dated April 27, 1981 and adopted by the City Council of the City of Detroit on June 31, 1981.

Sec. 1 Scope

The provision regarding the scope and duration of these restrictions is amended to read "shall remain in effect until January 1, 2000, at which time they will be automatically extended for successive periods of ten years each...", rather than citing January 1, 1990 as in the Third Amended Declaration of Restrictions dated April 27, 1981.

Sec. 2 Definitions

"C and ED Department City of Detroit Community and Economic Development Department", is changed to read: "P&DD City of Detroit Planning and Development Department.

This change is also made throughout the text as appropriate.

Sec. 4 Permitted Uses

Hospitals, Institutions or Churches: The category is amended to state that, "For Disposition Parcel 4, lying between Clinton and Macomb Streets, Institutions may include correctional or penal institutions or related criminal justice facilities."

Sec. 5C Building Control Lines is amended to state that, "Disposition Parcel 4, lying between Clinton and Macomb Streets, has no Building Control Lines.

Sec. 6 Parking

The provision regarding parking is amended to include subparagraph (c) as follows:

(c) With respect to Parcel 4 only, parking may extend to the property lines provided the parking areas are enclosed by a brick or masonry wall at least 2½ feet in height or by an ornamental fence and evergreen hedge at least 3½ feet in height; design of such walls or fences shall be subject to approval of P&DD.

Map "Fourth Modification Land Use and Development Plan"

Building Control lines have been deleted for the parcel lying between Clinton and Macomb Streets, Disposition Parcel 4. Buildings which no longer exist have been removed from blocks east of St. Antoine between Macomb and Mullett.

DEVELOPMENT PLAN REQUIREMENTS AND CONTENTS, OTHER THAN THOSE MODIFIED HEREIN, AS ADOPTED ON MAY 26, 1959, AND AS MODIFIED ON DECEMBER 22, 1964 AND JULY 13, 1977, AND June 3, 1981 shall remain unaltered by this Fourth Modification of the Development Plan and shall continue and remain in force as previously adopted and modified.

FOURTH AMENDED DECLARATION OF RESTRICTIONSCENTRAL BUSINESS DISTRICT PROJECT NO. 3MICH. R-8

OCTOBER 9, 1995

The Declaration of Restrictions heretofore adopted by the City Council of the City of Detroit for the Central Business District Project No. 3, Mich. R-8, and recorded in the Office of the Register of Deeds for the County of Wayne in Liber 28459 on pages 183 through 193, is hereby cancelled and rescinded, and the following Declaration of Restrictions is hereby substituted in its place and stead:

1. Scope

The following restrictions shall be binding and effective upon all purchasers and lessees of land from the City of Detroit, their heirs, successors and assigns, in the Central Business District Project No. 3, and shall remain in effect until January 1, 2000, at which time they will be automatically extended for successive periods of ten years each, unless by written consent of the then owners of three-fourths of all of the land area in Central Business District Project No. 3, it is agreed to change the restrictions in whole or in part; and provided such a change or changes are approved by the City Council of the City of Detroit.

The Central Business District Project No. 3 is that section of Detroit defined as follows:

Beginning at point located at the intersection of the center line of Gratiot Avenue, 120 feet wide, and Hastings Street, 50 feet wide, thence southerly along the center line of Hastings Street to a point approximately 115.28 feet south of the south line of Madison Avenue, thence westerly to a point located at the northeast corner of Lot #3 on the northerly side of Mullett Street, C. Moran Farm P.C. #5 Subdivision, thence southerly along the easterly lot line of said Lot #3 to the center line of Mullett Street, 50 feet wide, thence easterly along said center line to the center line of Hastings Street, thence southerly along said center line to the center line of Fort Street, 50 feet wide, thence westerly along said center line approximately 134.21 feet to a point, said point located by the extension of the easterly lot line of Lot #3 located on south side of Fort Street, C. Moran Farm P.C. #5 Subdivision, thence southerly along said easterly lot line to the center line of the east-west alley, 20 feet wide, first southerly thereof, thence easterly along said alley center line to the center line of Hastings Street, thence southerly to the center line of Larned Street, 60 feet wide, thence westerly along said center line to a point 22 feet westerly of the easterly line of P.C. #2, thence northerly along a line and parallel to said easterly line of P.C. #2 to the center line of the east-west 20 foot alley first northerly thereof, thence westerly along said alley center line to the center line of St. Antoine Street, 50 feet wide, thence northerly along said center line to the center line of Congress Street, 60 feet wide, thence westerly along said center line to the center line of Beaubien Street, 60 feet wide, thence northerly along said center line to the center line of Fort Street, 50 feet wide, thence easterly along said center line to the center line of St. Antoine Street, thence northerly along said center line to the extension of center line of the alley, 20 feet wide between

Lafayette Street and Monroe Street, thence easterly along said center line approximately 340.64 feet to a point, said point located by the extension of the westerly line of Lot #5 on south side of Monroe Street, C. Moran Farm P.C. #5 Subdivision, thence northerly along said westerly lot line to the center line of Monroe Street, 50 feet wide, thence westerly along said center line to the center line of St. Antoine Street, thence northerly along said center line to the center line of Macomb Street, 50 feet wide, thence easterly along said center line to a point approximately 185 feet west of the center line of Hastings Street, thence northerly along a projected line to the center line of Mullett Street, 50 feet wide, said projected line intersecting the north line of Macomb Street, approximately 185 feet westerly of the center line of Hastings Street and said projected line also intersecting the southerly line of Clinton Street approximately 205 feet west of the center line of Hastings Street, thence westerly along said Mullett Street center line to a point, said point located by the extension of the westerly line of Lot #5 on the north side of Mullett Street, C. Moran Farm P.C. #5 Subdivision, thence northerly along said westerly lot line to the northwesterly corner of said lot, thence westerly along the south line of lots 6 and 7, south side of Madison Street, C. Moran Farm P.C. #5 Subdivision, continuing westerly along the south line of lots 1, 2 and 3, south side of Madison Street, A. Beaubien Farm P.C. #2, Subdivision, continuing along said line projected to the point of intersection with the center line of St. Antoine, thence north along the center line of St. Antoine to the center line of Gratiot, thence northeasterly along said center line to the point of beginning.

2. Definitions

Parcel - An area of land delineated as a parcel on the Fourth Modified Land Use and Development Plan map attached hereto and made a part hereof.

Floor Area Ratio - A figure produced by dividing the total floor space of all buildings on a parcel by the gross area of the parcel. In arriving at this figure the total floor space shall not include basements; elevators, stairways or floor space used for parking or loading.

Landscaping - The treatment of a surface through the use of plant materials, paved walks, benches, planting boxes, sculpture, pools and similar features.

Number of Employees - The total employees normally working during the largest shift.

P&DD - City of Detroit Planning and Development Department, formerly the Community and Economic Development Department.

3. Review of Plans

Prior to applying for a building permit for all construction and exterior alteration, plans shall be submitted to the P&DD in sufficient detail to determine that the construction will be in compliance with the Development Plan and these restrictions. If, after examination, the P&DD finds that the plans conform to the Development Plan and these restrictions, it shall formally approve the plan. Such plans shall in any event be deemed approved unless formal rejections in whole or in part setting forth in detail the reasons thereof shall be made within thirty days after submission of the plans to P&DD.

4. Permitted Uses

No parcel shall be used in whole or in part for other than the following uses and accessory uses, which are designated on the Fourth Modified Land Use and Development Plan map, or other uses determined by the City Council to be substantially compatible therewith:

Hospitals, Institutions, or Churches. This category shall include exhibition and assembly halls, private clubs and fraternal groups. For Disposition Parcel 4, lying between Clinton and Macomb Streets, Institutions may include correctional or penal institutions or related criminal justice facilities.

Offices. This category shall include residential apartments when in the same building as the offices.

Hotels and Motels

Commercial. This category shall be limited to the following uses, which shall be permitted only when they are accessory to other permitted uses:

Retail merchandise establishments

Personal service establishments

Restaurants, night clubs and establishments for the sale of liquor by the glass for consumption on the premises

Studios

Gasoline service stations providing they are located within a building or portion of a building or structure used for parking, and providing the location thereof is approved by the P&DD

Parking Structures

Entertainment. This category shall include theaters, bowling alleys and other recreational establishments.

5. Density of Development

A. Land Coverage:

Maximum: The combined area covered by all buildings or structures on a parcel shall not exceed $66 \frac{2}{3}$ per cent of the gross area of the parcel, except that, in the case of buildings or structures for parking, the portion thereof designated for parking may exceed this limit.

Minimum: The minimum area covered by all buildings and structures shall not be less than $33 \frac{1}{3}$ per cent of the gross area of the parcel, except that buildings or structures used for parking, storage or loading shall not be taken into account in meeting the required minimum coverage. The foregoing exception to the minimum requirement shall not apply to parcels used solely for parking structures.

B. Floor Area Ratio: The floor area ratio for each parcel shall not exceed 5.0; except for parcels north of Mullett Street for which the floor area ratio may not exceed 8.0.

- C. Building Control Lines: Buildings shall not be constructed beyond the Building Control Lines designated on the Fourth Modified Land Use and Development Plan map, except that buildings may, upon approval of the P&DD, project beyond the Building Control Lines if for each square foot of building coverage beyond the Building Control Lines there is one square foot of surface within the Building Control Lines which is landscaped or used for walkways, and which is accessible to the public and open to view from any one or more adjacent streets. Disposition Parcel 4, lying between Clinton and Macomb Streets, has no Building Control Lines.

6. Parking and Loading

- A. Parking: The location of and access to all parking shall be subject to the approval of the P&DD. All parking facilities shall be provided on the parcel or within the surrounding areas no more than 700 feet from the parcel being served. In order to insure adequate parking, the minimum number of parking spaces that shall be provided for the uses hereinafter set forth are as follows:

<u>Use</u>	<u>One Parking Space for Each</u>
Offices	500 square feet of gross floor area
Retail establishments	300 square feet of gross floor area
Personal service establishments	300 square feet of gross floor area
Restaurants, night clubs; and establishments for the sale of liquor by the glass for consumption on the premises	300 square feet of gross floor area
Theaters, assembly halls with fixed seats	Each 5 seats in auditorium
Exhibition halls, dance halls, assembly halls without fixed seats	8 persons, or the capacity as established by the Fire Marshal Division of the City of Detroit Fire Department
Museums and galleries	500 square feet of gross floor area
Art studios	500 square feet of gross floor area
Gasoline service stations	Each service bay plus one for each two employees
Institutions (except penal)	1,000 square feet of total floor area
Penal Institutions	Number to be determined by P&DD in manner consistent with City of Detroit zoning ordinance and with appropriate established standards and sound practice and to be subject to approval of the City Council.

Churches

5 fixed seats or 50 square feet of gross floor area in largest room, whichever is greater

Hospitals

Bed

Structures or portions thereof designed for in-patient treatment

Structures or portions thereof designed for out-patient treatment

350 square feet net floor area in offices, treatment, reception and waiting rooms

Five Parking Spaces for Each

Bowling Alley

Alley

Three Parking Spaces for Each

Apartments

Four dwelling units

Hotel and Motel

Four guest rooms

Recreation and amusement facilities other than

the foregoing uses Parking as required by the Zoning Ordinance of the City of Detroit

In the event a parcel is used in whole or in part for a combination of the foregoing uses, the City Council may, upon a determination that the combined uses will be adequately served by a lesser number of parking spaces than would be required for the specific uses set forth above, reduce the minimum required parking spaces to an amount that will insure adequate parking.

Parking spaces shall not be located beyond Building Control Lines, with the following exceptions:

- (a) Underground parking may extend to the property line provided the ground surface is landscaped.
- (b) With respect to Parcel 7 only, parking may extend to the property line except on Lafayette and St. Antoine Streets, provide the parking areas are enclosed by an ornamental fence and an evergreen hedge at least 3½ feet in height.
- (c) With respect to Parcel 4 only, parking may extend to the property lines provided the parking areas are enclosed by a brick or masonry screen wall at least 2½ feet in height or by an ornamental fence and evergreen hedge at least 3½ feet in height; design of such walls or fences shall be subject to approval of P&DD.

- B. Loading: Loading facilities shall be provided on the parcel so as to permit all loading, unloading, maneuvering and standing of trucks to take place entirely within property lines. The location of and access to all loading areas shall be subject to approval of the P&DD.

- C. Paving: All parking, loading, and access drives shall be surfaced with a pavement having an asphaltic or cement binder, or similar material, so as to provide a permanent, durable, dust-free surface.

7. Design and Appearance

- A. Arrangement of Structures: The arrangement of all structures and landscaping shall be subject to review and approval by the P&DD to insure that structures are properly located with respect to Building Control Lines, property lines, and easements.
- B. Landscaping: All land area not covered by buildings, parking, or utilized for access drives and walkways shall be landscaped.
- C. Signs: No signs shall erected which do not pertain to activities conducted on the parcel upon which they are located. The size, location and general design of all signs permitted shall be subject to approval of the P&DD.
- D. Storage: All storage shall be located within buildings.

8. Utilities

- A. Location of Utility Equipment: All utility equipment, including facilities for transmission or distribution of gas, electricity, steam, water or communications, except fire hydrants, lighting standards and above-ground utility equipment essential to subsurface utility installations, shall be located underground or enclosed entirely within a building.
- B. Easements for Sub-surface Utilities: Easements for sub-surface utilities shall be maintained at locations shown on the Fourth Modified Land Use and Development Plan map. No buildings shall be constructed or trees planted within any easement for subsurface utilities without the approval of the City Council of the City of Detroit.

9. Amending Restrictions

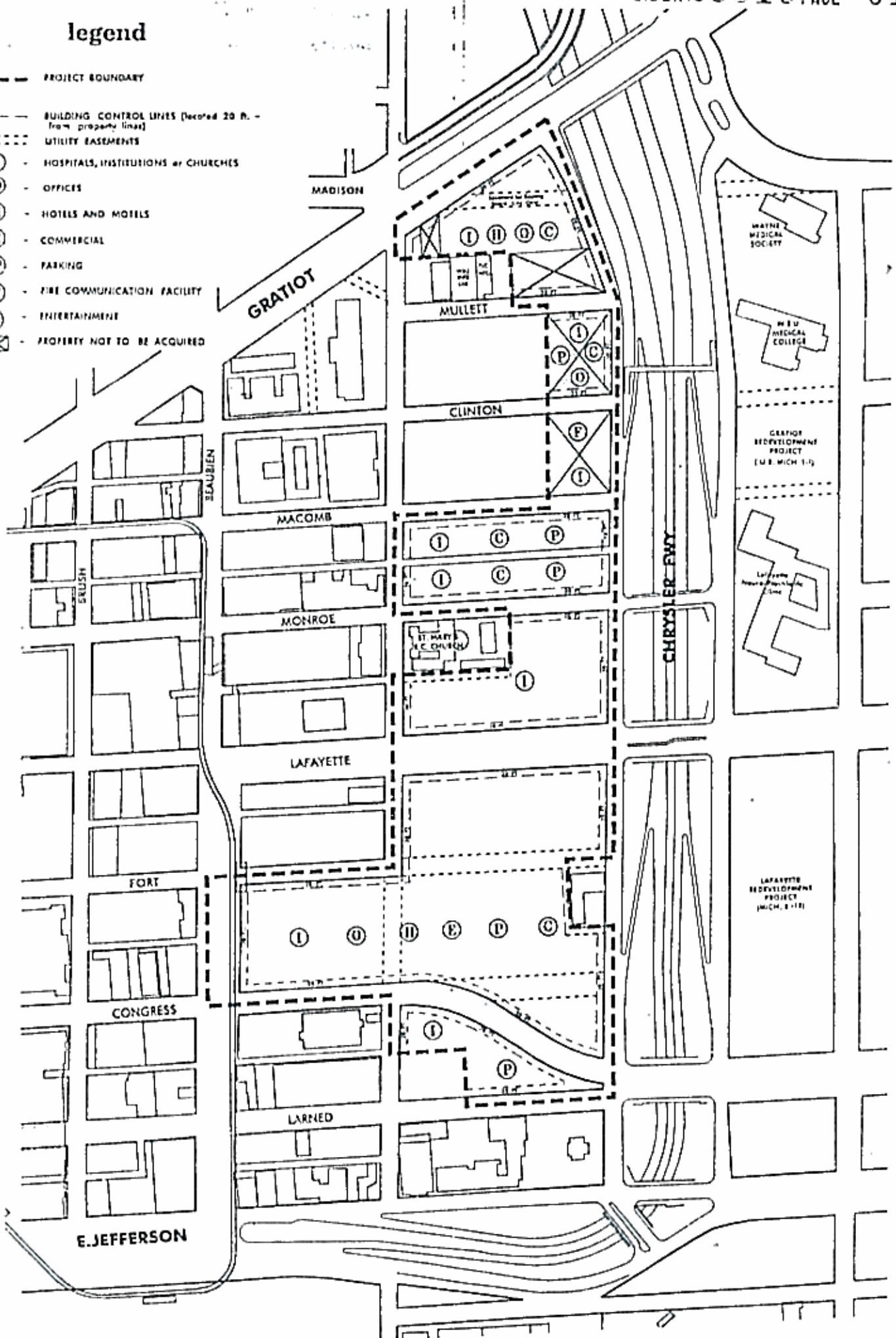
The City Council of the City of Detroit may, after a public hearing, amend these restrictions applying to any undeveloped parcel or part thereof. Provided, however, that the restrictions may not be amended with respect to any of the parcels sold or contracted to be sold without the consent of the owners. Notice of time and place of the hearings shall be given by publication in a newspaper of general circulation not less than 30 days prior to the date set for such hearing. Notice of such hearing shall be mailed at least 25 days before such hearing to the owners of land in the Central Business District Project No. 3, as shown in the records of the City Assessors.

10. Severability

Invalidation of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

legend

- PROJECT BOUNDARY
- BUILDING CONTROL LINES (located 20 ft. from property lines)
- UTILITY EASEMENTS
- ① - HOSPITALS, INSTITUTIONS or CHURCHES
- ② - OFFICES
- ③ - HOTELS AND MOTELS
- ④ - COMMERCIAL
- ⑤ - PARKING
- ⑥ - FIRE COMMUNICATION FACILITY
- ⑦ - ENTERTAINMENT
- ⊗ - PROPERTY NOT TO BE ACQUIRED



P&DD

LAND USE and DEVELOPMENT PLAN
FOURTH(4th) MODIFICATION
CENTRAL BUSINESS DISTRICT NO. 3
REDEVELOPMENT PROJECT, MICH. R-8
CITY OF DETROIT, COUNTY OF WAYNE, STATE OF MICHIGAN
Prepared By: Detroit Planning and Development Department

CODE: R - 304
WORK ITEM: C - 1

DATE: SEPT 13, 1967
REVISED: SEPT 20, 1967
JUNE 23, 1968
JUNE 1, 1977
APRIL 27, 1991
OCTOBER 9, 1995

Taken From The Table

Council Member Ravitz moved to take from the table an ordinance to amend Chapter 2, Article 47, by amending Section 2-47-2 to adopt the Fourth Modified Development Plan and Declaration of Restrictions for Central Business District Rehabilitation Project No. 3, laid on the table October 12, 1995 (JCC p.), which motion prevailed.

The Ordinance was then placed on the order of third reading.

THIRD READING OF ORDINANCE.

The title to the Ordinance was read a third time.

The Ordinance was then read.

The question being "Shall this Ordinance Now Pass?" The Ordinance was passed, a majority of the Council Members present voting therefor as follows:

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Tinsley-Williams and President Mahaffey — 8.

Nays — Council Member Scott — 1.